

REMARKS

Rejection of the claims under 35 USC §102

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,482,927. Applicants have amended the claims to obviate the rejection. Specifically Applicants have amended claim 21 to recite delivery of the polypeptide *into* a cell *in vitro* and mixing of the polypeptide and the detergent in a solution. '927 teaches drying the polypeptide or polypeptide + stabilizer and *then* adding the dried composition to a carrier (detergent, column 3 line 45 to column 4 line 15). '927 also teaches only *in vivo* administration (column 4 lines 16-22). Support for the amendment can be found in the specification on page 3 lines 2-5, page 3 lines 8-12, and Example 3. In view of the amendments, Applicants request reconsideration of the rejection.

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,888,416. Applicants respectfully disagree. '416 does not teach “dissolving the dried salt complex with an organic or organic/aqueous solvent”. It is further the Applicant’s opinion that the amendments made to overcome the rejection over '927 further distinguish the Applicants claims from the teaching of '416. '416 does not teach a method for delivery of a polypeptide to a cell *in vitro*.

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent WO 94/08599. It is the Applicants opinion that '599 does not teach “dehydrating the complex to form a polypeptide-detergent dried salt complex” or delivery to a cell *in vitro*. In view of the amendments and arguments, Applicants request reconsideration of the rejection.

Rejection of the claims under 35 USC §103

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,482,927. Applicants have amended the claims as described above to obviate the rejection. In view of the amendments, Applicants request reconsideration of the rejection.

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The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 21-24 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being  
transmitted to the USPTO on this date: 07/01/2008.

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